

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paul Orsello,

Plaintiff,

v.

Civ. No. 06-1125 (JNE/SRN)
ORDER

Federal Government,

Defendant.

In a Report and Recommendation dated March 27, 2006, the Honorable Susan Richard Nelson, United States Magistrate Judge, recommended that Plaintiff's Application to Proceed Without Prepayment of Fees be denied and that this action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Further, on April 10, 2006, Plaintiff filed a second Application to Proceed Without Prepayment of Fees. Because the Court adopts the magistrate's recommendation to dismiss the action, this motion is denied. Accordingly, IT IS ORDERED THAT:

1. Plaintiff's Application to Proceed Without Prepayment of Fees [Docket No. 2] is DENIED.
2. Plaintiff's Application to Proceed Without Prepayment of Fees [Docket No. 5] is DENIED.
3. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 24, 2006

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge.